

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action # 05-10192 RWZ

ONE STAR CLASS SLOOP SAILBOAT
BUILT IN 1930 WITH HULL NUMBER
721, NAMED "FLASH II",

Defendant.

KERRY SCOTT LANE, M.D.,

Claimant.

**CLAIMANT'S RULE 59(e) MOTION TO ALTER/AMEND
ORDER DENYING HIS MOTION TO VACATE DEFAULT JUDGMENT**

Claimant, Kerry Scott Lane, through undersigned counsel, hereby moves this Honorable Court to alter or amend its order, entered August 18, denying Claimant's motion to vacate the default judgment, and to allow him to litigate his claim to partial ownership of the subject property.

In compliance with Local Rule 7.1, Claimant's counsel consulted with opposing counsel before filing this motion. Attorney J. Thomas Kerner, counsel for claimant Harry E. Crosby, stated that he would object to this motion. AUSA Shelby D. Wright also indicated she would oppose the motion.

As grounds for this motion, Claimant asserts that the Court and parties misunderstood the facts and arguments presented by Claimant, and that the Court applied the wrong standard of law in denying Claimant relief from the forfeiture judgment. The judgment was entered by default,

without Dr. Lane having been served with process, and without his having any actual notice of the forfeiture proceedings.

In support of this motion, Claimant submits the attached Memorandum of Points and Authorities, Verified Statement (Claim), Answer to the Complaint, Affidavit and Exhibits.

Respectfully submitted,
Kerry Scott Lane, MD,

By his attorneys,

s/Eric B. Goldberg
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Eric B. Goldberg (BBO# 564398)
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(Pro hac vice application pending)

CERTIFICATE OF SERVICE

I, Eric B. Goldberg, do hereby certify that I have electronically served the foregoing on the counsel of record listed below:

Shelbey D. Wright
Assistant U.S. Attorney
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s/Eric B. Goldberg